

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte: SWAIN W. PORTER

Application No. 09/452,328

MAILED

FEB 23 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 27, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

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REPLY BRIEF

A Reply Brief in response to the Examiner's Answer dated May 6, 2005, was filed on July 8, 2005. There is no indication on the record, that the Reply Brief was considered and/or no acknowledgment of receipt mailed. A written communication notifying appellant of the Examiner's receipt and consideration of the Reply Brief is required.

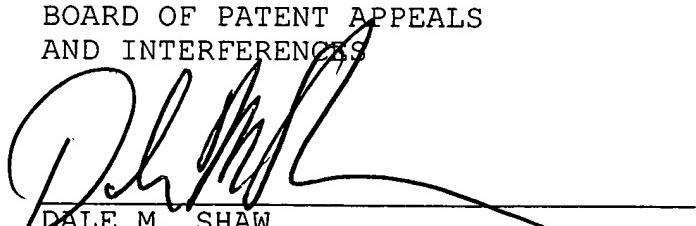
Accordingly, it is

**Ordered** that the application is returned to the Examiner for

- 1) acknowledgment of the Reply Brief;
- 2) appropriate consideration of the Reply Brief; and
- 3) for any further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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Application No. 09/452,328

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